

First Named: Dan Matlock
Title: Rotational Light Emitting Display Apparatus
Serial No: 10/775,694
Docket No: Matlock.001
September 24, 2008
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REMARKS

1. Reconsideration of this application, in view of the foregoing amendment and the following remarks and arguments, is respectfully requested.
2. The Applicant duly notes with appreciation the Examiner's indication of claims 42-47 and 49-51 including allowable subject matter, and being allowable if rewritten to overcome the objections set forth in the office action and to include all of the limitations of the base claim and any intervening claims.
3. Claims 40-51 are currently pending in this application. Claims 1-39 were previously canceled without prejudice. By the foregoing amendment, claims 40, 42-44 and 48-51 are canceled are canceled without prejudice; claims 41 and 45-47 have been revised; and claims 52-59 are newly presented.
4. The following rejections were set forth in the office action:
 1. Claim 40 stands rejected under 35 USC§102(b) as being anticipated by Hoch (U.S. Patent 6,492,963), herein Hoch; and
 2. Claims 41 and 48 stand rejected under 35 USC§103(a) as being unpatentable over Hoch in view of Kowalewski (USPGPUB 2002/0135541), herein Kowalewski.
5. By the foregoing amendment, claims 45, 46, and 47 have been revised to overcome the objections set forth in the office action and to include all of the limitations of base claim 40 and any intervening claims, and claim 41 has been revised to depend from now allowable claim 45. Newly presented claims 52-57 depend directly or

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indirectly from now allowable claims 45, 46 and 47, and thus are presented to be patentable.

6. In view of the above, it is respectfully submitted that:

Claims 41, 45-47 and 52-57 are in condition for allowance.

Reconsideration and withdrawal of the rejections and objections are requested.

Allowance of claims 41, 45-47, and 52-57 at an early date is solicited.

The Examiner is hereby requested to telephone the undersigned agent of record at 727-230-4949 if such would further or expedite the prosecution of the instant application.

Respectfully submitted,
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